



Washington State Jail Industries Board
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Jail Industries Board Conservation Program Policy Guidelines

Habitat restoration and other similar conservation projects open up exciting new opportunities for jail industries. Many recovery projects take place on privately owned land even though the projects themselves have a public benefit. Working on private property presents some policy issues that should be examined before a jurisdiction writes a contract for labor services with a project sponsor.

Any project completed on private land must be for public benefit. Establish clear criteria to ensure that each project does provide public benefit.

- Is there legislative language and intent that provides authority for the specific project? An example of this would be salmon restoration legislation passed in 1998.
- Is there underlying legislation that addresses the general type of project that is being considered? An example may be legislation establishing noxious weed control board or port districts.
- What is the definition of “public benefit” in this particular case, based upon special legislation or underlying legislation?
- Don't rely on a blanket definition of “public benefit.” Apply your tests to each project.

Establish the nature of the public benefit in the contract between the jurisdiction and the project sponsor.

- Clearly define the allowable scope of work and the tasks to be performed. Tasks such as fencing to preserve habitat, clearing non-native plants, and planting native vegetation for wildlife/fisheries habitat improvement provide a public benefit. No work should be performed that is not listed in the contract, and no work that does not provide a public benefit should be done.
- Write the contract between two public entities; for example the Sheriff's Department and the Conservation District for the work to be performed. A direct labor agreement would not be written between a landowner and a correctional agency.
- Ensure that other required contracts are also in place, for example the agreement between the land owner and the Conservation District detailing that landowner's participation in the Conservation Reserve Program or the project sponsor's agreement with the Salmon Recovery Funding Board.
- Detail operational issues such as who furnishes tools, equipment, etc in the contract.

Discuss liability issues with your city or county risk manager and prosecuting attorney.

- Cover inmate workers against work-related injury by self-insurance or by industrial insurance.

- Address property-based liability issues in the contract. Cover property damage and actions of inmate that cause damage.
- The landowner should acknowledge he or she is aware that the project sponsor may use inmate crews to do work on the property and agree to have inmates on the property.
- Include a hold harmless clause in the contract.

Detail crew supervision and control in the contract and ensure the private landowner is not responsible to supervise the crew.

There are several models to choose from when considering how to manage an inmate crew. Considerations include cost, community safety, worker safety and training, and staff safety and training.

- Crew supervision could be provided by:
 - correctional officers
 - non-uniformed correctional staff crew chiefs
 - county or city agencies, i.e. public works supervisors
 - project sponsor employees
- Technical supervision should be provided by conservation professionals to ensure that technical requirements are met.

Establish classification/security screening criteria to identify appropriate minimum security inmates for crews.

- A good classification system should address the issue of which inmates are eligible to participate. The jail needs to screen inmates to allow only low risk, minimum security offenders on the crew.
- If a correctional officer is not supervising the crew, appropriate inmate supervision training must be provided to the crew supervisor.
- The jail should have in place its security policies regarding off-site crews including methods of communication and emergency procedures should an inmate be injured or leave a work site.

Address community, union, and business questions or concerns that might arise.

- Use inmate labor to supplement other available resources, not supplant city, county, or conservation district employees.
- Avoid taking contracts where there is already a well-established contractor or labor force.
- Address all questions and concerns prior to start-up:
 - Work with city or county council, project sponsors, and jail industries advisory board
 - Negotiate appropriate scope of work
 - Understand legitimate security concerns and deal with them
 - Give citizens information up front and use their feedback to design programs

For more information, contact
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